

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOAN CHARLES, Plaintiff, v. OCWEN FEDERAL BANK FSB; OCWEN FINANCIAL CORPORATION; MASSACHUSETTS PROPERTY INSURANCE UNDERWRITERS ASSOCIATION; and ONE CALL INSURANCE AGENCY, INCORPORATED, Defendants.	CIVIL ACTION NO. 04-11625-RWZ
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**ASSENTED-TO MOTION TO
EXTEND DEADLINES**

NOW COMES Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB ("Ocwen"), and - with the assent of all other parties in the above-captioned action - respectfully moves this Court to extend by eight (8) weeks the relevant deadlines in this Court's scheduling order, dated May 22, 2006, as amended by this Court's orders of June 20, 2006 and July 13, 2006. In support of this motion, Ocwen states as follows:

1. Plaintiff Joan Charles ("Plaintiff") commenced this action on or about July 21, 2004, following a fire that damaged certain real property known and numbered as 14 Ditson Street, Dorchester, Massachusetts (the "Property").

2. On May 12, 2006, Ocwen served the Plaintiff with *First Interrogatories to Plaintiff Joan Charles* and with *First Request for Production of Documents to Plaintiff Joan*

Charles (the “Discovery Requests”). *Affidavit in Support of Assented-to Motion to Extend Deadlines*, attached as Exhibit A (the “Affidavit”), ¶ 2. Under the Federal Rules of Civil Procedure, the Plaintiff was required to respond no later than Wednesday, June 14, 2006.

3. On May 22, 2006, following the Court’s May 16, 2006 status conference on this matter, the Court issued a scheduling order (the “Order”). In the Order, the Court set the following deadlines:

- a. Plaintiff to file motion for summary judgment by June 1, 2006.
- b. Defendants to file their oppositions and any cross-motions for summary judgment by June 22, 2006.
- c. Plaintiff to file opposition to cross-motions for summary judgment by July 13, 2006.
- d. Defendants’ reply to Plaintiffs’ opposition to cross-motions for summary judgment to be filed no later than July 27, 2006.
- e. Court to hear oral argument on August 8, 2006.

Affidavit, ¶ 3.

4. The Plaintiff filed her motion for partial summary judgment on June 1, 2006. *Id.*, ¶ 4.

5. On June 12, 2006, Ocwen served the Plaintiff with a notice of taking deposition for Monday, June 19, 2006. *Id.*, ¶ 5.

6. However, the Plaintiff failed to respond to the Discovery Requests by the June 14, 2006 deadline. *Id.*, ¶ 6. Further, the Plaintiff failed to respond to the Discovery

Requests by Friday, June 16, 2006, the last business day before the scheduled deposition. *Id.*

7. Ocwen, through its counsel, then continued the deposition and filed a *Motion of Ocwen Loan Servicing, LLC to Extend Deadlines. Affidavit in Support of Assented-to Motion to Extend Deadlines*, ¶ 7.

8. This Court granted that motion on June 19, 2006, extending all relevant deadlines by two (2) weeks but leaving in place the hearing scheduled for August 8, 2006 on the cross-motions for summary judgment. *Affidavit*, ¶ 8.

9. On June 22, 2006, Ocwen, through its counsel, noticed the deposition of the Plaintiff for the second time – this deposition scheduled for Friday, June 30, 2006. *Affidavit*, ¶ 9. Ocwen noticed the deposition with the expectation that it would receive the Plaintiff's responses to the Discovery Requests on or before Monday, June 26, 2006. *Id.*

10. While the Plaintiff, through her counsel, forwarded to Ocwen's counsel *Plaintiff's Answers to Interrogatories Propounded by Defendant Ocwen Loan Servicing LLC*, she did not include her responses to Ocwen's *First Request for Production of Documents to Plaintiff Joan Charles* ("Ocwen's Document Request"). *Id.*, ¶ 10. The Plaintiff still had not provided the response to Ocwen's Document Request as of June 29, 2006, the day before the rescheduled deposition of the Plaintiff. *Id.*

11. As a result, on June 29, 2006, Ocwen continued the scheduled deposition of the Plaintiff and filed a second *Motion of Ocwen Loan Servicing, LLC to Extend Deadlines. Id.*, ¶ 11.

12. On July 13, 2006, the Court granted the second motion to extend. *Id.*, ¶ 12.

13. Ocwen made its third attempt to take the Plaintiff's deposition by scheduling it for Thursday, July 27, 2006 but the Plaintiff and defendant One Call Insurance Agency, Inc. indicated that that date was inconvenient. *Affidavit in Support of Assented-to Motion to Extend Deadlines*, ¶ 13. The parties have not been able to find a mutually convenient date for the deposition of the Plaintiff that conforms to the Court's summary judgment schedule. *Id.*, ¶ 14. The reasons include the departure of one attorney from the case, previously scheduled hearings and trials in other matters and also previously scheduled summer vacations. *Id.*

14. After much discussion, all parties to the case agree that all parties will be available for the deposition of the Plaintiff on Wednesday, September 20, 2006. *Id.*, ¶ 15.

Request for Relief

15. Ocwen has made three separate attempts to take the Plaintiff's deposition, without success due to discovery issues and scheduling conflicts. Ocwen believes that its cross-motion for summary judgment will eliminate claims or, at the very least, narrow the issues before the Court and facilitate meaningful settlement discussions between the parties. Extending the Court's summary judgment schedule, as described below, will help achieve these goals.

WHEREFORE, Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB, respectfully asks this Court for the following relief:

1. Extend the relevant deadlines in the Court's order of July 13, 2006 by an additional eight (8) weeks such that the revised schedule will appear as follows:

- a. **September 28, 2006:** Deadline for Oppositions to Plaintiff's Motion for Summary Judgment and Defendants' Cross-Motions for Summary Judgment;
 - b. **October 19, 2006:** Deadline for Plaintiff's Opposition to Defendants' Cross-Motions for Summary Judgment;
 - c. **October 26, 2006:** Deadline for replies of no more than five (5) pages to Plaintiff's Opposition; and
 - d. **November 7, 2006:** Hearing on motions at 2 p.m.
2. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC,
SUCCESSOR-IN-INTEREST TO OCWEN
FEDERAL BANK, FSB AND OCWEN
FINANCIAL CORPORATION,

By its attorneys,

MICHIEENZIE & SAWIN, LLC,




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DATE: July 25, 2006

CERTIFICATE OF SERVICE

I, Richard C. Demerle, attorney for defendant, hereby certify that I have on this 25th day of July 2006, served a copy of the foregoing document, by first-class mail, postage prepaid, to all counsel of record.

A handwritten signature in cursive script, appearing to read "R C Demerle", is written over a horizontal line.

Richard C. Demerle